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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,708	08/18/2003	Jason Werning	35650	4369
116	7590	07/13/2007		
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER GLUCHOWSKI, KRISTINA R	
			ART UNIT 3676	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/642,708	<b>Applicant(s)</b> WERNING, JASON	
	<b>Examiner</b> Kristina R. Gluchowski	<b>Art Unit</b> 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,8-13 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8-13 and 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to the amendment submitted 4/26/07. Claims 1-3, 6, 8-13 and 19-29 are pending.

### ***Drawings***

The drawing objections made in the previous office action are overcome in light of the amendments and replacement drawings submitted 4/26/07.

### ***Claim Objections***

1. Claims 1 and 9 are objected to because of the following informalities: Regarding claim 1, lines 4-5, "a debris receptacle" and "a central vacuum system" should be --the debris receptacle--and --the central vacuum system--. Regarding claim 9, line 7, "a canister" should be --the canister--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

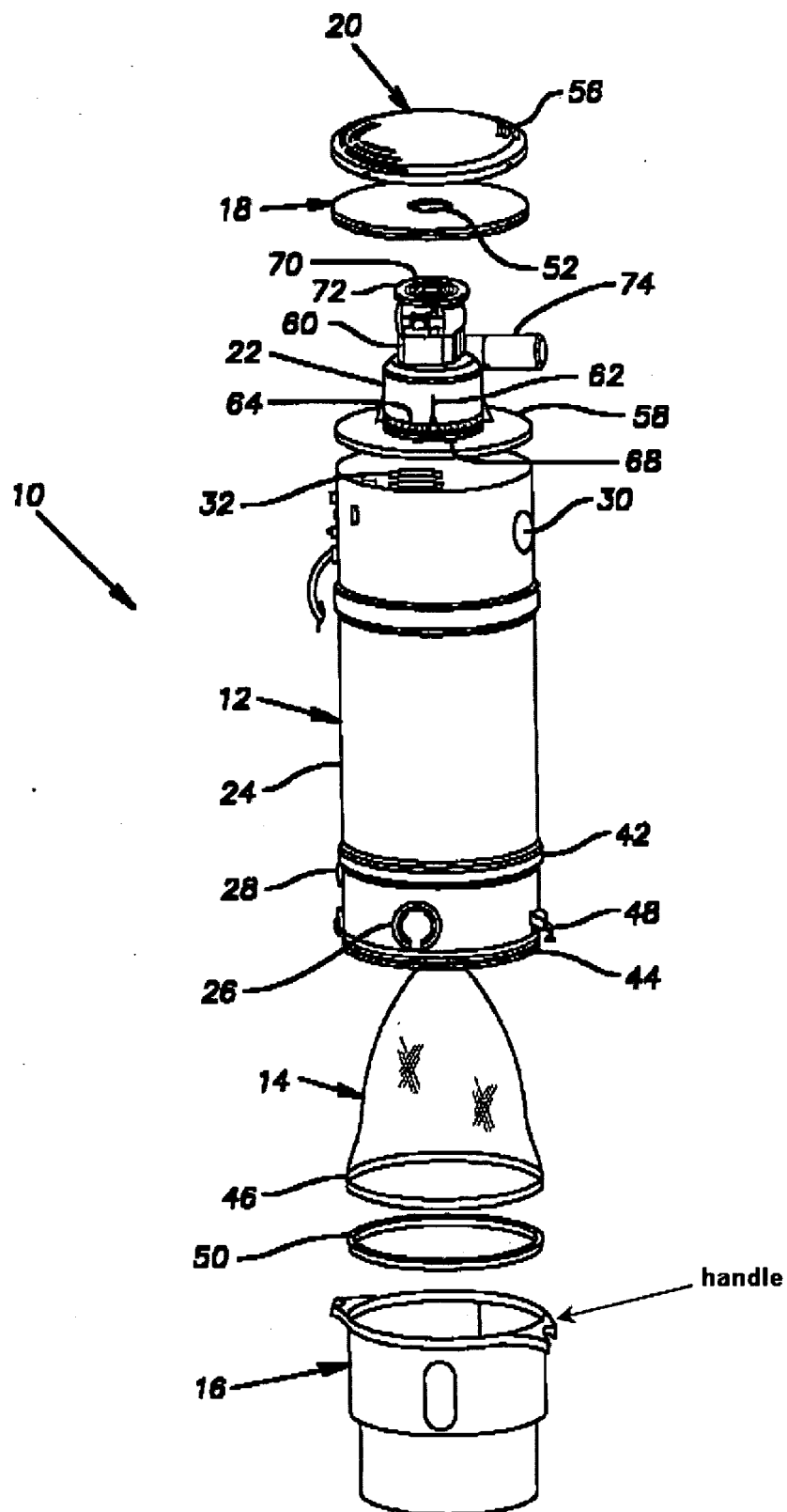
A person shall be entitled to a patent unless --

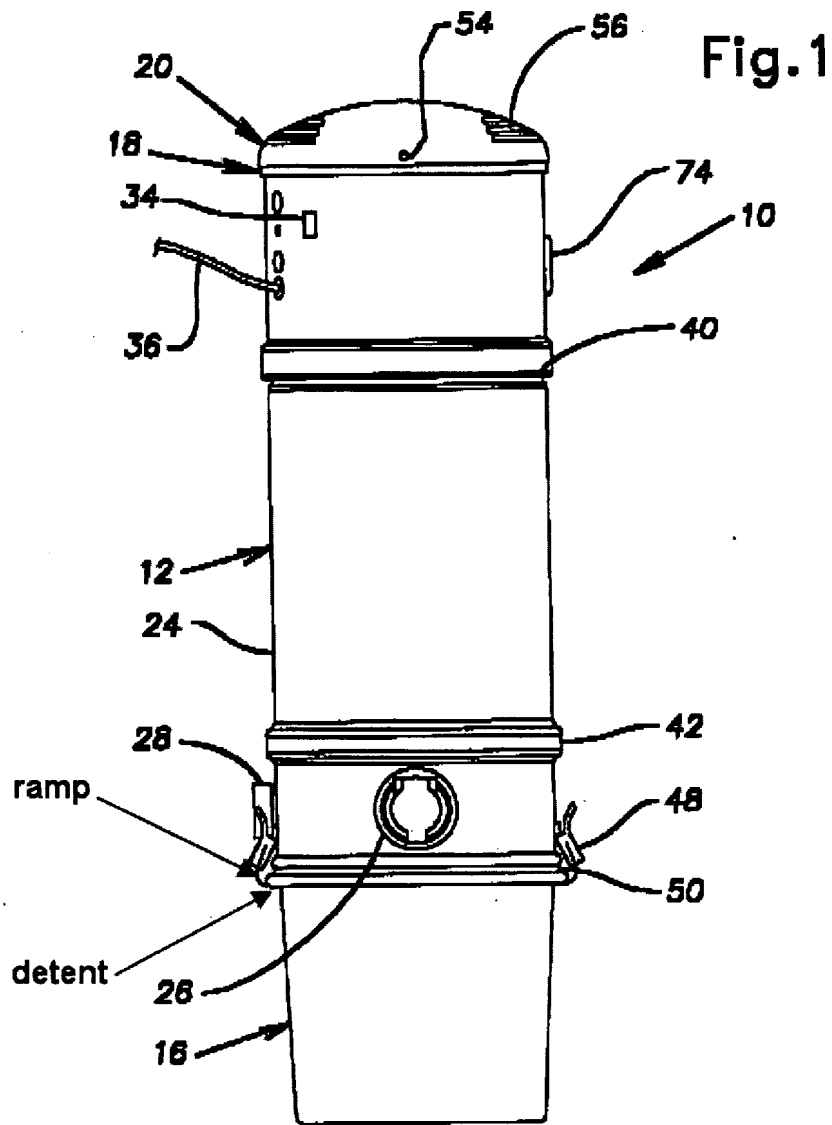
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8, 19-21 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Fritz et al (US 5813085).

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3. Regarding claims 1, 19, 21, 23, Fritz shows a locking mechanism for a central vacuum system with a debris receptacle (16) and a canister (12), the locking mechanism comprising a vertical gasket (50) to facilitate an airtight seal between the debris receptacle and the canister of the central vacuum system and a twist-lock latch (48) configured to guide a handle (see illustration below) portion of the debris receptacle to a lock position (the attached position is considered a lock position; see column 3, lines 25-30) between the twist-lock latch and the vertical gasket (see figure 1, the handle portion is between gasket 50 and bottom portion of latch 48). The examiner would like to note that a "twist-lock latch" could be any latch. The term "twist-lock" is considered a label in claim 1 since no further structure of the twist lock latch is claimed.
4. Regarding claims 2 and 24, the latch comprises a contoured ramp (curved guide portion of latch, see illustration below) "configured to" guide the handle portion of the debris receptacle to the lock position.
5. Regarding claim 3, the latch comprises a stop detent (hook portion on bottom to engage handle, see illustration below) to fully engage the debris receptacle into the lock position.
6. Regarding claim 8, the vertical gasket includes a bead roll (see illustration below; lower portion of gasket), configured to be received by a groove (44) formed in an exterior surface of the canister (column 3, lines 30-32).
7. Regarding claim 20, Fritz shows two latches (48) on opposing sides of the canister (see figure 1). See the Fritz device below.





***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz. Fritz shows the applicant's basic inventive concept of a vertical gasket (50) including a vertical sealing area having horizontal ribs around the periphery portion of the gasket to facilitate reduced friction and drag during engagement and disengagement of the locking mechanism. Fritz fails to show a plurality of ribs. Fritz shows a single rib around the top edge of the gasket. It would have been obvious to one of ordinary skill in the art to include a plurality of ribs around the gasket to increase the sealing capacity of the gasket. It has been held that duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

10. Claims 9-13, 22 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fritz in view of Crouser (US 6108860).

11. Regarding claims 9, 22 and 25-28, Fritz shows a canister and receptacle with a handle portion and latch as applied to claim 1 above. Crouser shows a latch attaching the debris receptacle (2) to the upper portion (6) wherein the latch has a first shelf portion (see illustration below) and an open lateral end portion (see illustration below) "configured to" laterally receive the handle portion of the debris receptacle from a portion outside the canister and a stop detent (handle hits round portion of latch; see figure 3) to facilitate proper engagement of the handle portion in the lock position.

12. Regarding claim 10, Fritz in view of Crouser, Crouser shows a second shelf portion (see illustration below). It would have been obvious to one of ordinary skill in the

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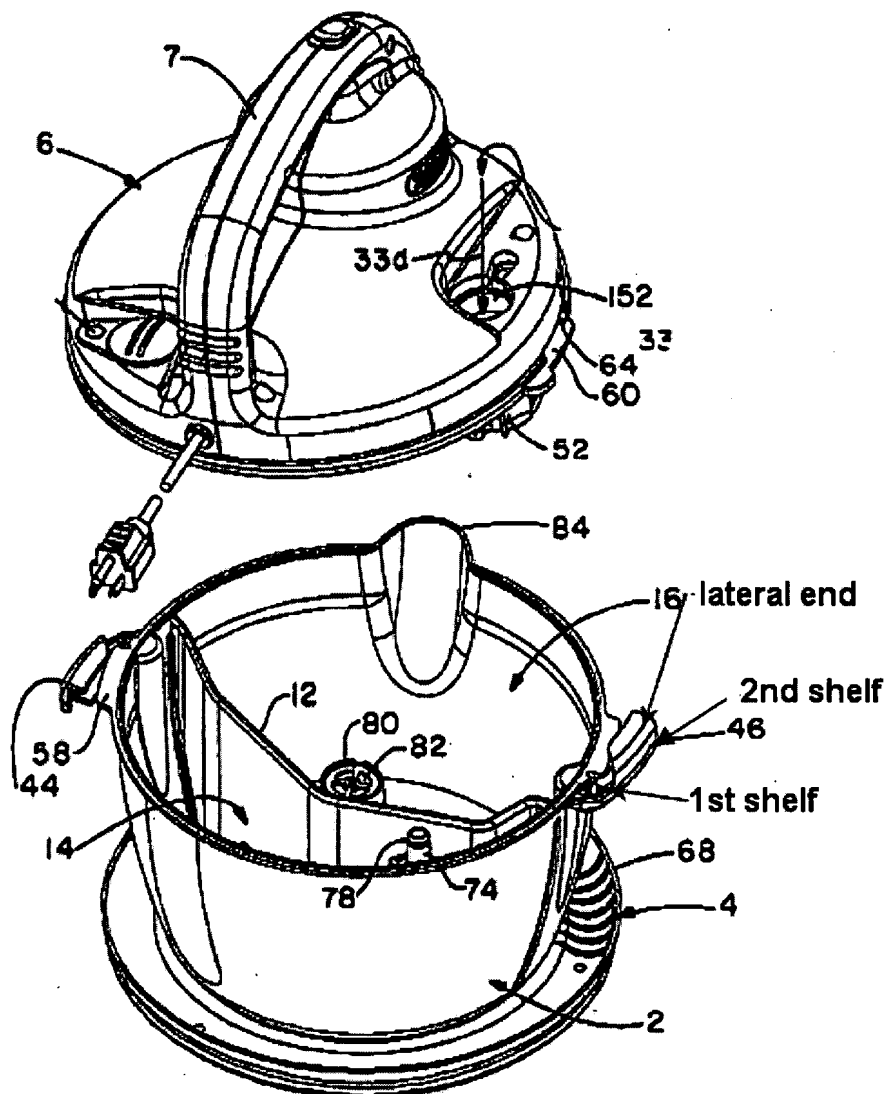
art at the time of the applicant's invention to include a second shelf portion to prevent damage to the gasket as a result of repetitive use of the latch.

13. Regarding claim 11, Fritz in view of Crouser, Crouser shows a contoured ramp (54) "configured to" guide the handle portion of the debris receptacle into place.

14. Regarding claim 12, Fritz in view of Crouser, Crouser shows the latch is "configured to" be coupled to the canister portion of the central vacuum system via a fastener (post 40).

15. Regarding claim 13, Fritz in view of Crouser, Crouser shows a latch with no moving parts. The latch as a whole rotates but the latch itself does not contain moving parts as claimed.

16. Regarding claims 9-13, 22 and 25-28, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to replace the latch of Fritz with the latch of Crouser since replacing one latching means for another is considered to be within the level of ordinary skill of a worker in the art. Both latching means accomplish sealing a a receptacle to a top portion (canister). Replacing the Fritz latch with the Crouser latch would increase ease of use for the device in that the latching and unlatching motion would be reduced to a simple rotation as opposed to holding the canister in place and snapping each latch separately. See the Crouser device below.



### ***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

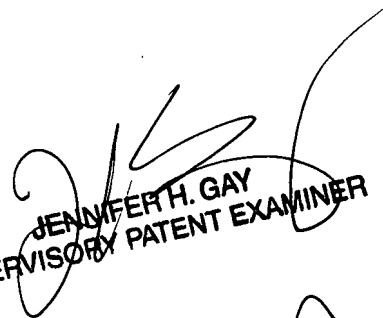
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina R. Gluchowski whose telephone number is 571-272-7376. The examiner can normally be reached on Monday-Friday, 7am-4:30pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KRG   
July 5, 2007

  
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SUPERVISORY PATENT EXAMINER

  
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